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## **2000 ABUSE AND NEGLECT**

### **2001 Overview**

Certain people, such as medical professionals, psychologists, social workers, Support Coordinators, peace officers and other people who have responsibility for the care of a child or an incapacitated or vulnerable adult, are designated by law as mandatory reporters. If these individuals have a reasonable basis to suspect that abuse or neglect or exploitation of the individual's property has occurred, they are required to report such information immediately to a peace officer or protective services worker.

Abuse and/or neglect is prohibited in all services and programs operated or supported by DES/DDD and anyone so doing is subject to dismissal and prosecution. In addition, any employee who mistreats a client by any conduct which is intimidating, degrading or humiliating or who hits, kicks, pinches, slaps, pulls hair or improperly touches a client shall be subject to dismissal and/or prosecution.

This chapter defines abuse and neglect, outlines cultural issues to be considered, describes reporting procedures, investigations, referral processes and interfaces with Adult and Child Protective Services.

A.R.S. § 13-3620; § 46-454

### **2002 Definitions**

The following definitions are taken from A.R.S. § 8-546; § 13-3623; § 36-569 and § 46-451.

Abuse means:

- a. intentional infliction of physical harm;
- b. injury caused by negligent acts or omissions;
- c. unreasonable confinement or unlawful imprisonment; and
- d. sexual abuse or sexual assault.

Abusive treatment means:

- a. physical abuse by inflicting pain or injury to an individual. This includes hitting, kicking, pinching, slapping, pulling hair or any sexual abuses;
- b. emotional abuse which includes ridiculing or demeaning an individual, making derogatory remarks to an individual or cursing directed towards an individual; and
- c. programmatic abuse which is the use of an aversive stimuli technique that has not been approved as part of such person's Individual Support Plan (ISP) and which is not contained in the rules and regulations adopted pursuant to A.R.S. § 36-561(B). This includes isolation or restraint of an individual.

Child, youth or juvenile means an individual who is under the age of eighteen years.

Exploitation means the illegal or improper use of an incapacitated or vulnerable adult or his/her resources for another's profit or advantage.

Incapacity means an impairment by reason of mental illness, mental deficiency, mental disorder, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication or other cause to the extent that the person lacks sufficient understanding or capacity to make or communicate informed decisions concerning his/her person.

Neglect means a pattern of conduct without the person's informed consent resulting in deprivation of food, water, medication, medical services, shelter, cooling, heating or other services necessary to maintain minimum physical or mental health. It also means:

- a. intentional lack of attention to physical needs of individuals such as toileting, bathing, meals and safety;
- b. intentional failure to report health problems or changes in health condition to immediate supervisor or nurse;
- c. sleeping on duty or abandoning work station; and
- d. intentional failure to carry out a prescribed treatment plan for an individual.

Physical injury means the impairment of physical condition and includes but shall not be limited to any skin bruising, pressure sores, bleeding, failure to thrive, malnutrition, dehydration, burns, fracture of any bone, subdural hematoma, soft tissue swelling, injury to any internal organ or any physical condition which imperils health or welfare.

Serious physical injury means physical injury which creates a reasonable risk of death or which causes serious or permanent disfigurement, or serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb.

Vulnerable adult means an individual who is eighteen years of age or older who is unable to protect himself/herself from abuse, neglect or exploitation by others because of a mental or physical impairment.

## **2003 Cultural Considerations**

While some observations of abuse and neglect are quite obvious, there are situations in which the observer must have an understanding of the culture or religion of the individual to truly understand the situation. Personal values must not be imposed.

## **2004 Child Protective Services**

### **2004.1 Reporting Procedures**

If abuse or neglect of a DES/DDD eligible child is suspected by the DES/DDD Support Coordinator, the DES/DDD Support Coordinator must immediately report to Child Protective Services (CPS). Also, any allegation of abuse or neglect must be reported in accordance with A.R.S. §13-3620 as outlined below. Upon reporting, the DES/DDD Support Coordinator should provide sufficient information regarding the alleged abuse and/or neglect to allow the CPS worker to set the appropriate priority to the case.

Reports regarding Native Americans should be made in accordance with tribal procedures. Check with your District Program Manager (DPM) for the correct procedures to follow.

Reports shall contain:

- a. the names and addresses of the minor and his/her parents or person or persons having custody of such minor;
- b. the minor's age and the nature and extent of his/her injuries or physical neglect, including any evidence of previous injuries or physical neglect; and
- c. any other information that such person believes might be helpful in establishing the cause of the injury or physical neglect.

Child Protective Services has an established "Prioritization of Action" protocol. The protocol sets the following factors for consideration as part of the intake decision in choosing the Priority and Case Characteristic of a CPS report:

- a. age of the child;
- b. possible need to shelter child(ren);
- c. prior reports/previous history;
- d. time lapse from incident to report;
- e. reliability and motivation of the reporting source (is the primary motive of reporter a concern for the child rather than anger, revenge, retribution, or other factor);
- f. family dynamics, if known; and
- g. geographical location in State regarding climatic variables.

The priorities range from Priority 1 (Life-Threatening and/or Emergency Situation) to Priority 4 (Substandard Care That Can Become Damaging). Each Priority listing incorporates several situations under which the Priority may apply.

The Support Coordinator shall complete an Unusual Incident Report (UIR, Appendix 2000.A) whenever a report of alleged abuse or neglect has been made to CPS and forward the UIR as specified in Chapter 2100.

The DPM will ensure that the Administration for Children Youth and Families Program Manager receives an information copy of all UIRs on CPS referrals from Division staff.

The Support Coordinator shall also complete and forward a UIR whenever information is provided by CPS staff regarding a report made by someone other than Division staff.

2004.2      Investigative Procedures

It is the responsibility of CPS to determine whether or not an investigation of the allegation is necessary and to proceed with the investigation if it is. The DES/DDD Support Coordinator shall receive the results of the investigative decision by CPS. The results may be that the report led to an investigation by CPS or that no investigation is needed. In either case, the reasons for the decision shall be shared by the CPS worker with the DES/DDD Support Coordinator.

If an investigation is warranted, the CPS worker shall inform the DES/DDD Support Coordinator of the results. If, subsequent to an investigation, CPS opens a case, the DES/DDD Support Coordinator shall participate in a team staffing to develop a collaborative plan.

2004.3      Problem Solving Procedures

The DES/DDD Support Coordinator shall work as expeditiously as possible with the CPS worker to resolve any problems regarding a report made to CPS.

Whenever possible, the DES/DDD Support Coordinator shall meet in person with the CPS worker to review all aspects of the report including any information the DES/DDD Support Coordinator could provide regarding important historical information.

The DES/DDD Support Coordinator shall notify his/her immediate supervisor whenever issues cannot be quickly and satisfactorily resolved at the Support Coordination level. DES/DDD supervisory and/or management staff shall immediately pursue the steps necessary to resolve the issues.

## **2005      Adult Protective Services**

In accordance with A.R.S. §46-454, the DES/DDD Support Coordinator or other DES/DDD staff shall immediately report any suspicions of abuse, neglect or exploitation of an adult served by DES/DDD to Adult Protective Services (APS). APS responds to allegations of abuse, neglect or exploitation according to the following requirements:

- a. the person must be 18 years of age or older; and
- b. the person must be incapacitated, as defined in Section 2002.

Reports shall contain:

- a. the names and addresses of the adult and any persons having control or custody of the adult, if known;
- b. the adult's age and the nature and extent of his/her incapacity or vulnerability;
- c. the nature and extent of the adult's injuries or physical neglect or of the exploitation of the adult's property; and
- d. any other information that the person reporting believes might be helpful in establishing the cause of the adult's injuries or physical neglect or of the exploitation of the adult's property.

If the person with the developmental disability resides in his/her own home, a family residence, or an agency which does not receive funds from DES/DDD, APS will take the lead for the investigation. APS will work together with the DES/DDD Support Coordinator or other DES/DDD staff as appropriate. Specific responsibilities will be decided on a case by case basis. The APS worker will maintain involvement until the abuse or problem situation has been resolved.

If the person with the developmental disability person resides in a DES/DDD operated or funded program, DES/DDD will investigate the complaint. DES/DDD is responsible for notifying APS of their plans for follow through so that APS can formally close out their involvement.

The DES/DDD Support Coordinator shall complete an Unusual Incident Report (UIR, Appendix 2000.A), following procedures established in Chapter 2100, whenever a report is made to Adult Protective Services.

## **2006 Timelines for Reporting**

### **2006.1 Adults**

Initial reports shall be made immediately by the observer to a police officer or local adult protective services worker. A written follow-up report shall be mailed or delivered to the police officer or local adult protective services worker within forty-eight (48) hours or on the next working day if the 48 hours expire on a weekend or holiday. An Unusual Incident Report (UIR) must be completed and forwarded to the appropriate District staff and the Compliance and Review unit in Central Office.

### **2006.2 Children**

Initial reports shall be made immediately by the observer to a local child protective services worker. An UIR will be completed and forwarded to the appropriate District staff and the Compliance and Review unit in Central Office. A copy of the UIR will also be forwarded to the Division of Children and Family Services program manager within 24 hours. CPS will provide appropriate DES/DDD staff with information regarding any reports (not generated by DES/DDD staff) on a child known to be served by DES/DDD within 24 hours or by the end of the next working day. DES/DDD staff will then complete a UIR in accordance with the requirements noted in Chapter 2100.

## **2007 Contracted Providers**

All contracted providers shall comply with reporting procedures, investigations and medical evaluations as outlined in this manual.

## **2008 Investigations**

Upon receipt of an incident report alleging abuse and neglect, the DPM is authorized to initiate an investigation of the incident. See Chapter 2100 for further information regarding incident reporting.